



SELECTED MATERIALS ON INCLUSIONARY HOUSING ISSUES

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Prepared by:
***California Department of Housing and
Community Development***
Housing Policy Division

Cathy E. Creswell, Deputy Director
Linda M. Wheaton, Assistant Deputy Director

Compiled by:
Maggie Kauffman, MLIS

**Department of Housing and Community Development
State of California**



Arnold Schwarzenegger, Governor
Sunne Wright McPeak, Secretary,
Business, Transportation and Housing
Lucetta Dunn, Director, HCD



SELECTED MATERIALS ON INCLUSIONARY HOUSING ISSUES

AFFORDABLE HOUSING IN MONTEREY COUNTY: Analyzing the general plan update and applied development economics report / Powell, Benjamin; Stringham, Edward; Summers, Adam B -- Los Angeles, CA: Reason Foundation, 2004 (RPPI Policy Study; 323)

Also available full text via the World Wide Web:

<http://www.rppi.org/ps323.pdf>

The preservation of agricultural land is also a major issue. While supporters of the old proposed GPU and the EIA claim that the policies they advocate will aid farmers, the truth is that restrictive land-use regulations will only reduce the value of the farmer's chief asset: his land. Scientific and technological advances have increased agricultural productivity. Farmers should have the flexibility to use their property as they see fit and the ability to make their own land-use decisions to improve their well-being.

AFFORDABLE HOUSING LAWS AND LOCAL LAND USE PROCEEDINGS IN CALIFORNIA / Abbott, William; Yamachika, Robert T; Gerken, Heather -- 2004 update - Sacramento, CA: Abbott & Kindermann, LLP, 2004

Also available via the World Wide Web:

<http://www.aklandlaw.com/affordable%20housing%20law.pdf>

Paper initially prepared for the Urban Land Institute's Jan. 17, 2003 program on affordable housing held in Sacramento, Calif. This paper discusses in detail the various provisions of state law regarding affordable housing and local land use regulations including legislation enacted during the 2003 legislative session.

"AFFORDABLE" HOUSING LAWS MAKE HOMES MORE EXPENSIVE / Powell, Benjamin; Stringham, Edward / American Institute for Economic Research (AIER) -- Great Barrington, MA: AIER, 2003

Economic Education Bulletin - Vol. 43, no. 12 (December 2003)

Housing prices in the United States have risen dramatically over the last 23 years. Price increases have been even more dramatic in particular regions of the country. In California prices have increased 280 percent and in Massachusetts the increase was nearly fivefold (483 percent). Just over the last five years home prices have increased 38 percent in the United States. By way of comparison, the Consumer Price Index, which includes a substantial component for "shelter," has increased about 123 percent since 1980, and only about 13 percent during the past five years. – (p. 1)

AFFORDABLE HOUSING: Proactive and reactive planning strategies / White, S. Mark -- Chicago, IL: American Planning Association (APA), 1992
APA Planning Advisory Service Report; no. 441

Also available for purchase via the World Wide Web:

<http://www.planning.org/pasmemo/index.htm>

Drafted in response to highly publicized NIMBY Report of 1991, which called for extensive reforms in housing regulation almost amounting to land-use deregulation, the author questions whether such radical change is necessary. He notes that "the wholesale abandonment of regulatory restrictions would create no incentive for developers to produce low-income housing." He offers a review of existing affirmative and reactive measures, offering evidence of success where existing tools are applied properly. A final chapter deals with the issue of comprehensive planning for affordable housing.

SELECTED MATERIALS ON INCLUSIONARY HOUSING ISSUES

BUILDING INCLUSIVE COMMUNITY: Tools to create support for affordable housing / The Center for Common Concerns -- San Francisco, CA: HomeBase, 1996 (Guidebook) 97 p.: ill. ; 28 cm.

Book includes bibliographical references and appendices.

Available for borrowing via Homebase Library at the World Wide Web:

<http://homebaseccc.org/index.php/homebase/publications.html>

Also: HD7287.96 U5 B84 1996 - *California State Library – Reference Collection*

CALIFORNIA INCLUSIONARY HOUSING READER / Higgins, Bill [editor] / Institute for Local Self Government -- Sacramento, CA: Institute for Local Self Government, 2003
Compilation of various affordable housing reports/articles.

May be ordered via the World Wide Web:

<http://www.ilsq.org/userfiles/godoc/6398%2EInclusionaryHousingOrderForm2002%2EPDF>

Overview: Inclusionary housing ordinances take many forms, but the basic concept is that they set aside a percentage of new residential development for occupancy by families of very low-, low- and moderate-income. Inclusionary housing ordinances may not be appropriate for every community. In some communities, such requirements can be quite controversial. Accordingly, the Reader approaches the issue from a broad range of perspectives. These are presented in six sections: The problem of affordable housing in California -- Basic policy considerations -- Pros and cons of inclusionary housing -- Implementation issues -- Legal issues -- Sample annotated inclusionary housing ordinance.

CALIFORNIA LEGISLATURE PROHIBITS EXCLUSIONARY ZONING, MANDATES FAIR SHARE: Inclusionary housing programs a likely response / Burton, Carolyn -- [San Fernando, CA]: The San Fernando Valley Law Review, 1982

San Fernando Valley Law Review - Vol. 9, p. 19-46

Over the past decade exclusionary zoning practices increasingly have come under judicial attack. – (p. 19).

Available at California State Law Library

CASE AGAINST INCLUSIONARY ZONING / Rivinius, Robert -- Berkeley, CA:

California Continuing Education of the Bar, 1991

(Inclusionary Zoning Pro and Con)

Land Use Forum - Vol. 1, no. 1, (Fall 1991), p. 25-26

Available at California State Law Library

CASE FOR INCLUSIONARY ZONING / Brown, Marc; Harrington, Ann -- Berkeley, CA:

California Continuing Education of the Bar, 1991

(Inclusionary Zoning Pro and Con)

Land Use Forum - Vol. 1, no. 1, (Fall 1991), p. 23-24

Available at California State Law Library

SELECTED MATERIALS ON INCLUSIONARY HOUSING ISSUES

COMMON PATHS: Connecting metropolitan growth to inner-city opportunities in South Los Angeles / Tseng, Thomas -- Malibu, CA: Pepperdine University - Institute for Public Policy, 1999

(Davenport Institute - Research Reports)

Also available full text via the World Wide Web:

<http://publicpolicy.pepperdine.edu/davenportinstitute/reports/paths/cp.pdf>

After the civil disturbances of April 1992, Los Angeles continues to move forward in revitalizing the conditions of its neglected communities. This challenge assumes a metropolitan dimension as well as a local one. The growth and potential of South Los Angeles are directly related to regional growth and development, and South Los Angeles offers the metropolitan region new opportunities to address challenges of unfettered sprawl.

CREATING A LOCAL ADVISORY COMMISSION ON REGULATORY BARRIERS TO AFFORDABLE HOUSING / Hanes, Gary -- Washington, DC: U.S. Dept. of Housing and Urban Development, Regulatory Reform for Affordable Housing Information Ctr, 1992

Also available full text via the World Wide Web:

<http://www.huduser.org/Publications/pdf/HUD-6125.pdf>

This report is designed to help local officials increase public awareness of regulatory barriers and improve housing affordability in their community. It defines affordable housing and regulatory barriers and explains the need for their provision and removal. To identify and address the needs of the community, the report suggests that an advisory commission on regulatory barriers to affordable housing be organized.

DENSITY BONUS ZONING TO PROVIDE LOW AND MODERATE COST HOUSING / Fox, Gregory Mellon; Davis, Barbara Rosenfeld -- San Francisco, CA: Hastings School of Law, 1977

Hastings Constitutional Law Quarterly - Vol. 3, no. 4, p. 1015-1071

Article includes appendices and bibliographical references.

"A housing density bonus program has two main goals. The principal goal is to help meet the critical needs of low and moderate income people by expanding the supply of moderately priced housing in the community. The secondary purpose is to assure the dispersal of such housing throughout the developing areas of the community. -- (p. 1016).

DO AFFORDABLE HOUSING MANDATES WORK? : Evidence from Los Angeles County and Orange County / Powell, Benjamin; Stringham, Edward -- Los Angeles, CA: Reason Public Policy Institute (RPPI), 2004

(RPPI Policy Study; 320)

Also available full text via the World Wide Web:

<http://www.rppi.org/ps320.pdf>

Overall, in the 27 years that inclusionary zoning has been implemented in Los Angeles and Orange counties, the policies have produced 6,379 affordable units. And of those, a whopping 4,469 were in Irvine, which built a number of the units to settle a lawsuit. Thus, the average is just 236 affordable units per year, with 165 in Irvine and 71 in all other cities combined. Controlling for the length of time each program has been in effect; the average jurisdiction with inclusionary zoning has produced just 34 units each year since adoption of its inclusionary zoning requirement.

SELECTED MATERIALS ON INCLUSIONARY HOUSING ISSUES

DOES THE COSTA-HAWKINS ACT PROHIBIT LOCAL INCLUSIONARY ZONING PROGRAMS? / El Mallakh, Nadia I. -- Berkeley, CA: University of California, Berkeley, Boalt Hall, 2001

California Law Review - Vol. 89, no. 6, (December 2001), p. 1847-1880

Article includes bibliographical references.

Available for purchase full text at Westlaw.com:

<http://web2.westlaw.com/signon/default.wl?newdoor=true>

AN EGALITARIAN'S MARKET: The economics of inclusionary zoning reclaimed /

Dietderich, Andrew G -- [New York, NY]: Fordham University School of Law, 1996

Fordham Urban Law Journal - Vol. 24, no. 1 (Fall 1996) p. 23-84

Available for purchase full text at Westlaw.com:

<http://web2.westlaw.com/signon/default.wl?newdoor=true>

"Inclusionary programs come in a variety of forms: some require construction at high density, some at low density; some set prices for the rental or sale of the inclusionary units, some let the market decide; some occur in areas with strong demand, some in markets with few interested buyers; some onerous to developers, some developers lobby for & happily accept." - (p. 31)

EVERYONE'S VALLEY: Inclusion and affordable housing in Silicon Valley /

Bhargava, Shalini, [et al.] / Working Partnerships USA -- San Jose, CA: Working Partnerships USA, 2001

(Policy Briefs: Silicon Valley Equity Series; June 2001)

Also available at the World Wide Web:

http://www.wpusa.org/publications/complete/wpusa_evalley.pdf

Report includes executive summary and foreword by Amy B. Dean, Founder of Working Partnerships USA. "Produced by Working Partnerships USA [this report] is a very thoughtful and important work that will add to the many ideas already on the table to help meet our regional housing crisis." - (p. i)

EXPANDING AFFORDABLE HOUSING THROUGH INCLUSIONARY ZONING:

Lessons from the Washington Metropolitan Area / Brown, Karen Destorel --

Washington, DC: Brookings Institution, 2001

Also available full text via the World Wide Web:

<http://www.brook.edu/dybdocroot/es/urban/publications/inclusionary.pdf>

Many jurisdictions are looking for new ways to house not only low-income residents, but also working families who fill critical positions in the labor market. One of the ways in which jurisdictions are meeting this challenge is through inclusionary zoning, a program that principally requires developers to include affordable homes when they build a particular number of market-rate homes.

SELECTED MATERIALS ON INCLUSIONARY HOUSING ISSUES

EXPANDING HOUSING OPPORTUNITY IN WASHINGTON, DC: The case for inclusionary zoning / Fox, Radhika; Rose, Kalima / PolicyLink -- Oakland, CA: PolicyLink, 2003

Also available full text via the World Wide Web:

<http://www.policylink.org/pdfs/DCIZ.pdf>

Washington, DC is in the forefront of older cities experiencing a resurgence of economic investment. The city is, in many ways, leading a new era of urban growth that is producing robust central city revitalization across the country after decades of decline. The District's downtown is newly vibrant with nightlife and starting to be repopulated with affluent young professionals and empty nesters.

EXPANDING HOUSING OPTIONS THROUGH INCLUSIONARY ZONING / Fischer, Paul; Patton, Jo -- Chicago, IL: Campaign for Sensible Growth, 2001
Ideas @ Work - June 2001 - Volume No. 3

Available full text at the World Wide Web:

<http://www.growingsensibly.org/cmapdfs/ideasv3.pdf>

"Many inclusionary housing programs offer incentives that reduce the developer's project costs. This can be accomplished with such methods as reduced or deferred developer fees, density bonuses, land purchase assistance, bond financing and reduced traffic / parking provisions" - (p. 1).

EXPANDING THE SCOPE OF COMMUNITY DEVELOPMENT / Nowak, Jeremy -- Washington, DC: National Low Income Housing Coalition (NLIHC), 1998
Shelterforce - Jan./Feb. 1998, p. 4-

Also available full text via the World Wide Web:

<http://www.nhi.org/online/issues/97/nowak.html>

"The social geography of metropolitan regions requires the community development movement to expand its strategies and perspectives to both reduce the isolation of the urban poor and participate in the broader effort to support regional economic competitiveness. Strategies designed to maximize social mobility and integration – such as strategic investments in business sectors, fair housing enforcement and inclusionary housing strategies, regional revenue sharing, and subsidies for city residents to travel to jobs in the suburbs – have the potential to transform the meaning of neighborhood or community development in important ways." - (p. 4)

FINAL COMMENTS TO THE MILLENNIAL HOUSING COMMISSION -- Washington, DC: National Multi Housing Council, 2001

Available full text via the World Wide Web:

<http://www.nmhc.org/Content/ServeFile.cfm?FileID=1067>

An NMHC/NAA task force developed the recommendations contained in this thirteen-page letter submitted to the Commission. The recommendations cover a wide range of issues and call for the Congressionally-chartered Millennial Housing Commission.

SELECTED MATERIALS ON INCLUSIONARY HOUSING ISSUES

HOUSING SUPPLY AND AFFORDABILITY: Do affordable housing mandates work?

/ Powell, Benjamin; Stringham, Edward -- Los Angeles, CA: Reason Public Policy Institute (RPPI), 2004
(RPPI Policy Study; 318)

Also available full text via the World Wide Web:

<http://www.rppi.org/ps318.pdf>

Executive summary: "In this paper we use data from communities in the San Francisco Bay Area region to evaluate the effects of inclusionary zoning and examine whether it is an effective public policy response to high housing prices. We chose the Bay Area because inclusionary zoning is particularly prevalent there; today more than 50 jurisdictions in the region have inclusionary zoning. These communities have various sizes and densities with different income levels and demographics, so they provide a good sample to tell us how inclusionary zoning is probably working nationwide." – (p. [i])

IN DEFENSE OF INCLUSIONARY ZONING: Successfully creating affordable housing

/ Kautz, Barbara Ehrlich -- San Francisco, CA: University of San Francisco School of Law, 2002

Univ. of San Francisco Law Review - Vol. 36, no. 4 (Summer 2002) p. 971-1017

Available for purchase full text at Westlaw.com:

<http://web2.westlaw.com/signon/default.wl?newdoor=true>

"A California Court of Appeal has decisively upheld the constitutionality of inclusionary zoning -- a program that in the past twenty-five years has housed over 50,000 low- and moderate- income families in new homes that would otherwise have been unable to afford." - (p. 971)

INCENTIVE ZONING: meeting urban design and affordable housing objectives /

Morris, Marya -- Chicago, IL: American Planning Association, 2000

(APA Planning Advisory Service Report; no. 494)

Report includes bibliographical references and appendices.

Available for purchase at the World Wide Web:

<http://www.planning.org/bookservice/browse.htm>

Incentive zoning has received renewed attention as communities implement smart growth principles into planning and development processes. Incentive zoning allows a developer to build a larger, higher-density project than would be permitted under existing zoning. In exchange, the developer provides something that is in the community's interest that would not otherwise be required (e.g., open space, plazas, arcades, etc.)

THE INCLUSIONARY HOUSING DEBATE: The effectiveness of mandatory programs over voluntary programs /

Brunick, Nicholas J. -- [Chicago, IL]: American Planning Association (APA), 2004

Zoning Practice - Issue No. 9 (September 2004)

Also available for purchase from the World Wide Web:

<http://www.planning.org/zoningpractice/index.htm>

In crafting an inclusionary housing program, every community faces a major decision: Should the program be mandatory or voluntary? This issue of Zoning Practice is first in a two-part series on inclusionary housing and examines experiences and studies from across the country.

SELECTED MATERIALS ON INCLUSIONARY HOUSING ISSUES

INCLUSIONARY HOUSING IN CALIFORNIA: 30 years of innovation / California Coalition for Rural Housing (CCRH); Non-profit Housing Association of Northern California (NPH) -- Sacramento, CA: NPH, 2003.

Contents: Executive Summary -- What is Inclusionary Housing -- Research and Methodology -- Key Findings -- Conclusion -- Endnotes -- Appendices.

May be ordered via the World Wide Web:

http://www.nonprofithousing.org/knowledgebank/publications/Inclusionary_Housing_CA_30years.pdf

[Report] examines the increasing prevalence and impact of inclusionary housing programs as one of the most promising ways to address the affordable housing crisis in California. - (p. ii)

INCLUSIONARY HOUSING IN CALIFORNIA AND NEW JERSEY: A comparative analysis / Calavita, Nico; Grimes, Kenneth; Mallach, Alan -- Washington, DC: Fannie Mae Foundation, 1997

Housing Policy Debate - V. 8, no. 1 (p. 109-142)

Also available full text via the World Wide Web:

http://www.fanniemaefoundation.org/programs/hpd/pdf/hpd_0801_calavita.pdf

Many people have argued that inclusionary housing (IH) is a desirable land use strategy to address lower-income housing needs and to further the geographic dispersal of the lower-income population. In an attempt to evaluate the effectiveness of IH, this article examines the experiences of New Jersey and California, two states where IH has been applied frequently over an extended period.

INCLUSIONARY HOUSING ORDINANCE SURVIVES CONSTITUTIONAL CHALLENGE IN POST-NOLLAN-DOLAN ERA: Homebuilders Association of Northern California v. City of Napa / Curtin, Daniel J.; Talbert, Cecily T.; Costa, Nadia L -- Chicago, IL: American Planning Association (APA), 2002

Article includes bibliographical references.

Land Use Law and Zoning Digest - Vol. 54, no. 8 (p. 3-8)

Available for purchase full text at Westlaw.com

<http://web2.westlaw.com/signon/default.wl?newdoor=true>

The commentary discusses judicial treatment of inclusionary housing programs, Napa's inclusionary housing ordinance, and the future of inclusionary housing ordinances. The authors' state: "Inclusionary housing ordinances, such as Napa, are legislative acts entitled to deference in the courts. Therefore, the challenger bears the heavy burden to establish that the law is arbitrary or capricious. If a locality has properly adhered to all procedural requirements in enacting an inclusionary housing ordinance, it will likely pass constitutional muster." The authors conclude by offering guidelines to enhance the legal defensibility of such ordinances.

INCLUSIONARY HOUSING PROGRAMS / National Association of Home Builders (NAHB) -- Washington, DC: State, Local, & Environmental Affairs Division of NAHB, 1983

May be purchased by contacting NAHB at the World Wide Web:

<http://www.nahb.org/landing.aspx?sectionID=4>

Contents: Bibliography -- Appendix containing samples of inclusionary housing ordinances appears at the end of this paper -- 1982 Model Dwelling Unit Law (Maryland) -- Merit Point System (Colorado) -- 1978 Model California Inclusionary Ordinance.

SELECTED MATERIALS ON INCLUSIONARY HOUSING ISSUES

INCLUSIONARY HOUSING PROGRAMS: Issues and outcomes / Smith, Marc T.; Delaney, Charles J.; Liou, Thomas -- [Boston, MA]: Warren, Gorham & Lamont, 1996
Real Estate Law Journal – V. 25, no. 2 (Fall 1996) p. 155-165

Article includes bibliographical references.

Available for purchase full text at Westlaw.com:

<http://web2.westlaw.com/signon/default.wl?newdoor=true>

"An inclusionary housing program is a regulatory policy, often achieved through a zoning ordinance, employed by state or local governments to encourage or mandate the production of affordable housing units." - (p. 155)

INCLUSIONARY HOUSING PROGRAMS: Local governments respond to California's housing crisis / Talbert, Cecily T; Costa, Nadia L -- [Newton, MA]: Boston College of Law, [2003]

Boston College Environmental Affairs Law Review - Vol. 30, no. 3 (2003) p. 567-580

Journal article available full text via the World Wide Web:

http://www.bc.edu/schools/law/lawreviews/meta-elements/journals/bcealr/30_3/06_FMS.htm

Abstract: As anti-growth sentiment increases across the country, two laudable goals -- affordable housing and environmental protection -- are coming into conflict. This tension is most evident in California. Nine of the ten least affordable communities in the country are in California. California also has one of the most complicated and expensive environmental regulatory processes for development. This results in builders being unable to produce housing to keep up with demand, and an increase in the cost of those units that are available. "Smart Growth" is often proffered as the answer to this dilemma: by promoting more compact development, mixed-use and mixed-income neighborhoods, and creating jobs near housing and transportation, housing production will be available to meet the demand at affordable costs.

INCLUSIONARY HOUSING: Proven success in large cities / Brunick, Nicholas J. -- [Chicago, IL]: American Planning Association (APA), 2004

Also available for purchase via the World Wide Web:

<http://www.planning.org/abstracts/details.asp?Num=2086>

Zoning Practice - Issue no. 10 (October 2004)

This issue of Zoning Practice---the second in a two-part series on inclusionary housing -- discusses why large urban centers are examining and adopting inclusionary housing strategies. Until recently, no large U.S. city had adopted an inclusionary housing program. With the 1990s resurgence of many urban centers as vibrant locations for new investment, inclusionary zoning has surfaced as a policy solution to rising housing costs in big cities. In the article, author Nicholas J. Brunick presents five case studies of recently enacted inclusionary housing programs in Boston, Denver, Sacramento, San Diego, and San Francisco. Lessons that other local governments (large or small) can draw from the large-city inclusionary housing experience will be proposed and examined.

SELECTED MATERIALS ON INCLUSIONARY HOUSING ISSUES

INCLUSIONARY ZONING AND HOUSING ORGANIZING -- Washington, DC: Center for Community Change, 2004

Housing Organizing - Issue 2, Spring 2004

Newsletter available full text via the World Wide Web:

<http://www.communitychange.org/about/publications/?page=housingorganizing>

The Center for Community Change (CCC) is convinced that many of the solutions to the nation's affordable housing problems lie in the vision, strategies and tactics adopted by community groups that embrace organizing as their primary means for social change. In this newsletter we will highlight some of the effective work that local organizations are doing around affordable housing. The pages of this newsletter aim to inspire, and when necessary, challenge, the organizing sector and other sectors of the social justice arena to replicate this work and to consider innovative ways of achieving a broader and deeper impact on America's housing crisis. – (p. 1)

INCLUSIONARY ZONING: A viable solution to the affordable housing crisis /

Burchell, Robert, [et al.] / Center for Housing Policy -- Washington, DC: National Housing Conference, 2000

New Century Housing: V. 1, no. 2 (October 2000)

Also available full text via the World Wide Web:

http://www.planningcommunications.com/nhc_inclusionary_zoning_viable_solution.pdf

Includes: Inclusionary Zoning: Pros & cons / Robert W. Burchell & Catherine C. Galley -- Bibliography.

INCLUSIONARY ZONING: Is it helping or hurting housing? / Coyle, Timothy L. --

Berkeley, CA: California Continuing Education of the Bar, 1991

(Inclusionary Zoning Pro and Con)

Land Use Forum, Vol. 1, no. 1, (Fall 1991), p. 27-28

Timothy L. Coyle was Director of the California Department of Housing and Community Development upon publication of this article.

Available at California State Law Library

INCLUSIONARY ZONING: Legal issues / Western Center on Law & Poverty (WCLP) -- Los Angeles, CA: WCLP, 2002

Co-published by: The California Affordable Housing Law Project of the Public Interest Law Project

Report includes bibliographical references.

Available full text via the World Wide Web:

<http://www.wclp.org/advocates/housing/IZLEGALFINAL.December2002.PDF>

This report was made possible by a grant from the San Francisco Foundation.

SELECTED MATERIALS ON INCLUSIONARY HOUSING ISSUES

INCLUSIONARY ZONING: Policy considerations and best practices / Western

Center on Law & Poverty (WCLP) -- Los Angeles, CA: WCLP, 2002.

Co-published by: The California Affordable Housing Law Project of the Public Interest Law Project

Also available full text at the World Wide Web:

<http://www.wclp.org/advocates/housing/IZBestPracticesFINALDecember2002.PDF>

This report was made possible by a grant from The San Francisco Foundation

INCLUSIONARY ZONING AROUND THE U.S.A. / Siegel, Joyce -- [Baltimore, MD]

Innovative Housing Institute, [2000]

"March 2, 2000"

Electronic format only at "News" page at the Institute Homepage:

<http://www.inhousing.org/>

"This compendium was assembled to assist a community preparing to develop an inclusionary zoning program." - (p. 1).

INCLUSIONARY ZONING GUIDELINES FOR CITIES & TOWNS / Netter, Edith M. /

Massachusetts Housing Partnership Fund -- Boston, MA: Massachusetts Housing Partnership Fund (MHP), 2000

Electronic format only available via the World Wide Web:

<http://www.mhp.net/termsheets/inclusionaryzoning.pdf>

Introduction: Following a May 31, 2000 conference on inclusionary zoning sponsored by the Massachusetts Housing Partnership Fund (MHP), it was clear that Massachusetts communities wanted ongoing guidance on how to draft inclusionary zoning ordinances and by-laws. These guidelines, drafted for MHP by Edith Netter, a land-use attorney, seeks to assist municipal officials by posing key questions and providing useful answers that address the various steps of drafting, implementing and ensuring maximum benefit from inclusionary zoning. - (p. 1).

INCLUSIONARY ZONING / MIXED INCOME HOUSING: selected references / Urban

Land Institute -- Washington, DC: Urban Land Institute, [1999]

(ULI Information Service Infopacket Series; no. 307)

Available for purchase at the World Wide Web:

http://www.uli.org/AM/Template.cfm?Section=Info_Packets&template=/ECommerce/ProductDisplay.cfm&ProductID=70

Photocopied materials on specific real estate and urban development topics ... magazine articles, unpublished reports, sections from ULI books and reports, project descriptions, title/table of contents from relevant books, and Web-based resources.

SELECTED MATERIALS ON INCLUSIONARY HOUSING ISSUES

INCREASING HOUSING OPPORTUNITY IN NEW YORK CITY: The case for inclusionary zoning / Rose, Kalima; Lander, Brad; Feng, Karoleen / PolicyLink -- New York City, NY: PolicyLink, 2004

Co-published by: Pratt Institute for Community & Environmental Development

Also available full text via the World Wide Web:

<http://www.picced.org/pubs/izreport.pdf>

New York City stands at a crossroads of opportunity. Like many metropolitan areas of the country, New York City's rental and home ownership costs have marched dramatically upward, making it increasingly difficult for many New Yorkers to afford housing. Changes underway across the city can either deepen the challenges of affordability, or can set a new course toward insuring a diverse, stable housing stock that serves the needs of the spectrum of New Yorkers. Inclusionary zoning offers New York City an important opportunity to create mixed-income communities.

JUDGES AS AGENTS OF SOCIAL CHANGE: can the courts break the affordable housing deadlock in metropolitan areas? / Haar, Charles M -- Washington, DC:

Fannie Mae Foundation, 1997

Housing Policy Debate – V. 8, no.3 - p. 633-650

Also available full text via the World Wide Web:

http://www.fanniemae.foundation.org/programs/hpd/pdf/hpd_0803_haar.pdf

Thus far, public policy efforts to introduce metropolitan perspectives into local land use regulations have been unsuccessful. The series of New Jersey Mount Laurel decisions lays out a possible path for introducing comprehensive regional planning by deploying the constitutional power of state courts. Relying on the allied professions of economics and city planning, the New Jersey Supreme Court eliminated the legal barriers to affordable housing in the suburbs.

LOCAL REGULATIONS AND HOUSING AFFORDABILITY / Downs, Anthony --

Washington, DC: Brookings Institution, 2002

"Speech at the Massachusetts Institute of Technology in Cambridge, Massachusetts - October 7, 2002."

Also available full text via the World Wide Web:

<http://www.anthonydowns.com/mit.htm>

Simply urging local governments to change their behavior because doing so would benefit society as a whole will have no effect whatever. That is what all past housing investigatory commissions have done for over 40 years – including the Millennial Housing Commission – with no visible impact. - (p. [1])

MAKING MIXED-INCOME HOUSING WORK: The low-income units must look good

-- Ithaca, NY: New Urban Publications Inc., 2002

New Urban News - Vol. 7, no. 7, (October/November 2002), p. 10-11

May be purchased via the World Wide Web:

<http://www.newurbannews.com/>

Features interview with: Raymond Gindroz, principal in Urban Design Associates in Pittsburgh, and Willie Jones, senior vice president of The Community Builders in Boston.

SELECTED MATERIALS ON INCLUSIONARY HOUSING ISSUES

MIXED-INCOME HOUSING DEVELOPMENTS: Promise and reality / Smith, Alastair / Joint Center for Housing Studies of Harvard University -- Cambridge, MA: JCHS, 2002. ([Harvard Joint Center on Housing Studies - working paper no; W02-10](#))

Paper co-published by: Neighborhood Reinvestment Corporation.

Also available full text via the World Wide Web:

http://www.jchs.harvard.edu/publications/W02-10_Smith.pdf

"Despite recent policy changes and the excitement surrounding mixed-income developments, most housing programs are not well designed to facilitate the financing of mixed income developments. Some developers are finding ways to arrange the financing of mixed income developments under federal programs, but many report that they are limited to financing all low-income developments." -- (p. 6)

POLICY CLAIMS WITH WEAK EVIDENCE : A critique of the Reason Foundation study on inclusionary housing policy in the San Francisco Bay Area / Basolo, Victoria; Calavita, Nico -- Irvine, CA: [University of California at Irvine] 2004

Also available full text via the World Wide Web:

http://www.nonprohousing.org/actioncenter/campaigns/download/IH_countering_critics.pdf

The Reason Foundation study of Inclusionary Housing (IH) in the San Francisco Bay Region claims to examine "the economic and real-world consequences of inclusionary zoning." In reality, the study does not provide the empirical evidence necessary to assess the merits or demerits of IH. The narrow scope of the research, the flawed research design, the data limitations and the weaknesses of the analysis are so consequential that few, if any, of their conclusions are useful to policymakers.

REFLECTIONS ON INCLUSIONARY HOUSING AND A RENEWED LOOK AT ITS VIABILITY / Padilla, Laura M -- [Hempstead, NY]: Hofstra University School of Law, 1995.

Hofstra Law Review – V. 23, no. 3 (Spring 1995) p. 539-615

Available for purchase full text at Westlaw.com:

<http://web2.westlaw.com/signon/default.wl?newdoor=true>

"The issues raised by inclusionary housing require a fresh review in light of changes to the United States Supreme Court and current trends favoring private property rights. The inclusionary housing issue is also timely because California is considering adoption of a mandatory statewide inclusionary housing program, which, if adopted, would be the first statewide program in the country." - (p. 540)

SELECTED MATERIALS ON INCLUSIONARY HOUSING ISSUES

REMEDIES FOR AFFORDABLE HOUSING FROM FAIR SHARE TO GROWTH

SHARE / Payne, John M -- [Chicago, IL]: APA, 1997

Land Use Law and Zoning Digest - V. 49 (June 1997) p. 3-9

Available for purchase at the World Wide Web:

<http://www.planning.org/abstracts/details.asp?Num=1076>

[Professor Payne] begins by asking why other states have not adopted the fair share approach, and answers--because the fair share approach has not worked. It has not produced the needed housing, he says, because it focused on "fair" rather than "share of what." In addition, he explains, the fair share approach has done positive harm under the two categories of bad planning and bad politics. After delineating these negative impacts, he proposes and elaborates on his concept of "growth share" which avoids the fair share's pitfalls and is realistically based on a community's capacity to accommodate housing.

SAN DIEGO ADOPTS INCLUSIONARY HOUSING / Calavita, Nico -- Chicago, IL:

American Planning Association, 2002

Also available full text via the World Wide Web:

<http://www.planning.org/affordablereader/planning/news1002.htm>

Planning -- October 2002 (p. 32)

The San Diego City Council on August 6 voted 7 to 2 to adopt an inclusionary housing strategy. The city joins a long list of California cities and counties that have approved inclusionary housing, most recently San Francisco and Pasadena. But with a population of more than 1.2 million, San Diego is probably the largest city in the country to do so.

SMART GROWTH FOR NEIGHBORHOODS: Affordable housing and regional

vision / Kalinosky, Leah -- Washington, DC: National Neighborhood Coalition, [2001]

Includes bibliographical references (p. 22-23)

Also available full text at the World Wide Web:

<http://www.neighborhoodcoalition.org/pdfs/hsg%20report%20copy2.pdf>

"Smart growth for Neighborhoods: Affordable Housing and Regional Vision" examines how communities can promote both affordable housing and smarter regional growth. Recommendations from the report include addressing exclusionary development practices, encouraging regional planning for affordable housing and smart growth, increasing funding for affordable housing, and building new alliances.

STUDY OF INCLUSIONARY HOUSING INITIATIVES / Minnesota Housing Finance

Agency (MHFA) -- [St. Paul, MN]: MHFA, 2002

Also available full text at the World Wide Web:

<http://www.mhfa.state.mn.us/about/InclusionReport.pdf>

This report is the result of the [MHFA Inclusionary Housing] Advisory Group process. It provides a definition of the concept, based on experience around the country. It provides information on the first and still the best known program, Montgomery County, Maryland. It provides information on programs that have recently been or are in the process of being developed in several cities around the nation. It summarizes the findings of the Advisory Group created to work with the Agency in the conduct of the study. Finally, it provides the recommendations that the Minnesota Housing Finance Agency was directed to present to the 2002 Legislature. - (p. 1)

SELECTED MATERIALS ON INCLUSIONARY HOUSING ISSUES

SUBURBS UNDER SIEGE: Race, space, and audacious judges / Haar, Charles Monroe -- Princeton, NJ: Princeton University Press, 1996

Available for purchase at the World Wide Web:

http://www.historycooperative.org/journals/lhr/19.2/br_10.html

"The courts' piecemeal decisions requiring the provision of affordable housing in the suburbs opened up avenues that, one hopes, will lead to more equitable and efficient metropolitan communities ... the Mount Laurel experience offers a signal lesson for reducing the economic and social chasm arising from the isolation of the poor in the central cities of this land of plenty." -- (p. xiv)

WHY NOT IN OUR COMMUNITY: Removing barriers to affordable housing / U.S. Dept. of Housing & Urban Development -- [Washington, DC]: HUD - Office of Policy, Development & Research (PD&R), 2005

"An update to the report of the Advisory Commission on Regulatory Barriers to Affordable Housing" – On cover

Also available full text via the World Wide Web:

<http://www.huduser.org/Publications/pdf/wnioc.pdf>

Thirteen years ago, the Advisory Commission on Regulatory Barriers to Affordable Housing submitted its report, "Not In My Back Yard": Removing Barriers to Affordable Housing (the 1991 Report). Its basic finding remains true today: exclusionary, discriminatory, or unnecessary regulations constitute formidable barriers to affordable housing. Understanding that government should help, not hinder, the creation and rehabilitation of affordable housing... Recommendation 6-16 of the 1991 Report suggested creating an Office of Regulatory Reform to develop ways to reduce regulatory barriers at the state and local levels, former Secretary Martinez and then-Deputy Secretary Jackson ... ordered senior staff immediately to undertake a department wide initiative entitled America's Affordable Communities Initiative: Bringing Homes Within Reach Through Regulatory Reform (the Initiative).

ZONING AFFORDABILITY: The challenges of inclusionary housing / Ross, Lynn M - [Chicago, IL]: American Planning Association, 2003

Zoning News (August 2003) p. 1-6

Available for purchase via the APA at the World Wide Web:

<http://www.planning.org/abstracts/details.asp?Num=2102>

In this era of federal cutbacks, municipalities have been forced to do more with less. The provision of affordable housing is no exception. Localities are relying on a number of tools and programs to ensure that the national epidemic of inadequate affordable housing does not overwhelm their communities. Among them is inclusionary zoning. Inclusionary zoning is not a new tool in the provision of affordable housing— the first such ordinances appeared in the early 1970s in California, Maryland, and Virginia cities. However, in recent years inclusionary zoning has gained popularity across the nation. Cities including Boston, San Francisco, Boulder, San Diego and Santa Fe, New Mexico have adopted programs within the last five years. Although no definitive survey of these programs exists, available literature suggests that today there are between 50 and 100 jurisdictions nationwide with some type of inclusionary housing program. Even in the absence of a comprehensive survey, one point is clear about these programs: they are not without challenges.

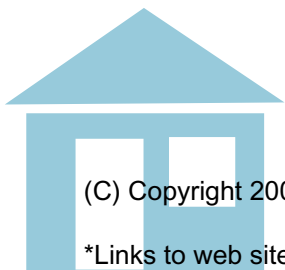
SELECTED MATERIALS ON INCLUSIONARY HOUSING ISSUES

ZONING FOR ALL: Using inclusionary zoning techniques to promote affordable housing / Morgan, Jennifer M -- [Atlanta, GA]: Emory University Law School, 1995.
Emory Law Journal – V. 44, no. 1 (Winter 1995) p. 359-387

Available for purchase full text at Westlaw.com:

<http://web2.westlaw.com/signon/default.wl>

"The relationship between an adequate supply of affordable housing and the public welfare has been recognized by various courts and governments. Several state courts have invalidated traditional zoning and land use regulations because of their exclusionary effects. State and local governments have implemented 'inclusionary' zoning techniques, zoning and land use regulations which encourage the development of affordable housing." - (p. 359)



Selected California Libraries Contact List

*California Department of Housing and Community Development
Housing Resource Center - HCD/HRC
1800 Third Street, Rm. 430, Sacramento, CA 95814
(916) 322-9648; mkauffma@hcd.ca.gov*

*California State Library - General Collection
Library and Courts Building, 914 Capital Mall, Rm. 300
Sacramento, CA 95814 - (916) 654-0261
<http://www.library.ca.gov/>*

*California State Library - Government Documents
Library and Courts Building, 914 Capital Mall, Rm. 304
Sacramento, CA 95814 - (916) 654-0069
<http://www.library.ca.gov/>*

*UC Berkeley - Environmental Design Library
Moffitt Library, 5th floor, UC Berkeley, 94720
(510) 642-4818; envi@library.berkeley.edu*

*UC Berkeley - Institute of Government Studies
Library, 109 Moses, UC Berkeley, 94720
(510) 642-1472; <http://www.lib.berkeley.edu/>*

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